

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON LEE SMITH,

Defendant,

NO. CR05 5607FDB

STIPULATED MOTION AND
ORDER FOR CONTINUANCE
OF TRIAL DATE

It is hereby stipulated by and between the United States of America, by Assistant United States Attorney, Kent Y. Liu, and the Defendant herein, Jason Lee Smith, by and through his attorney, Charles A. Johnston, that the trial date in the above entitled matter be continued from January 17, 2006, to the first available and convenient trial date on the Court calendar.

By the joint motion, the parties agree that the ends of justice served by granting this continuance outweigh the best interest of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A). Proceeding to trial absent adequate time for the defense to

STIPULATED MOTION AND ORDER - 1

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1 prepare would result in a miscarriage of justice. 18 U.S.C. § 3161 (h)(8)(B)(I). The
 2 defense needs to explore issues of some complexity, including all relevant issues and
 3 defenses applicable to the case, which would make it unreasonable to expect adequate
 4 preparation for the trial itself on January 17, 2006. Finally, under 18 U.S.C. § 3161
 5 (h)(8)(B)(iv), taking into account that to exercise a due diligence, a continuance is
 6 necessary to allow the Defendant the reasonable time for effective preparation for his
 7 defense.

8 DATED this _____ day of January, 2006.

9
 10 Respectfully submitted,

11 By: _____
 12 CHARLES A. JOHNSTON, WSB # 9058
 Attorney for Defendant, Jason Lee Smith

13 *Telephonically Approved:*
January 11, 2006

14 By: _____
 15 Kent Y. Liu
 Assistant United States Attorney

16 ORDER


17 Before this Court is a stipulated Motion for Continuance of the trial date previously
 18 scheduled for January 17, 2006. The Court finds, based on the Affidavit of Counsel and
 19 after a consideration of all relevant information and the circumstances of this case, that
 20 without this continuance the Defendant will be prejudiced and the ability to properly
 21 prepare for trial would be impaired. Failure to grant a continuance under these
 22 circumstances would result in a miscarriage of justice. The ends of justice would best be
 23 served by granting the Motion for Continuance. The ends of justice outweigh the best
 24 interests of the public and the Defendant in a speedy trial.

25 For these reasons, the Court finds the Stipulated Motion for Continuance should be

1 granted. The trial date is hereby continued from January 17, 2006, to April 3, 2006. The
2 resulting period of delay from January 17, 2006, up to and including the new trial date of
3 April 3, 2006 is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161
4 (h)(8)(A) and (B).

5 IT IS FURTHER ORDERED that the pretrial motions due date be extended to
6 February 6, 2006.

7 DATED this 13th day of January, 2006.
8
9

10
11 
12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
14

15 By: _____
16 CHARLES A. JOHNSTON, WSB # 9058
17 Attorney for Defendant, Jason Lee Smith

18 *Telephonically Approved:*
19 *January 11, 2006*

20 By: _____
21 KENT Y. LIU
22 Assistant United States Attorney
23
24
25

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CERTIFICATE OF SERVICE

I hereby certify that on January _____, 2006, I electronically filed the foregoing Stipulated Motion and Order for Continuance of Trial Date with the Clerk of the Court using the CM/ECF, which will send notification of such filing to the following:

Kent Y. Liu
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271

DATED this _____ day of January, 2006.

SUZANNE FAKER
Legal Assistant